



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,823	06/12/2001	Craig W. Barnett	23419-003-408	6075

29315 7590 04/01/2005

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/879,823

Page 1

Art Unit: 3622



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 01 2005

GROUP 3600

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 3/14/05

Application Number: 09/879,823

Filing Date: June 12, 2001

Appellant(s): Craig W. BARNETT et al.

Bradford C. Blaise
For Appellant

05

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/10/05.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The Appellant's statement of the Grounds of Rejection to be Reviewed on Appeal in the brief is correct.

(7) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

Art Unit: 3622

(8) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,227,874

Von Kohorn

7-1993

(9) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

Claims 47, 52, 57, and 61 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 47, 52, 57, 62 disclose “wherein each coupon may be used a predetermined number of times,” and “monitoring redemption of the one or more coupons such that each coupon may be used a predetermined number of times”.

The Applicant states several references in the specification as disclosing the terms of this claim.

Applicant has disclosed independent claims which are broader in scope than the specification. The specification states that a coupon can be used only once. However, the phrase ‘predetermined number of times’ in the independent claims is open to the coupon being redeemed more than once. A predetermined number of times can be read as broader than only once. For example, a predetermined number of times can be 5 or 10 or 20, etc. However, “only

Art Unit: 3622

once”, as stated in Applicant’s specification, can only be read as limited to one. Therefore, the independent claims are broader than the specification and the “predetermined number of times” feature, since the predetermined number of times can be 5 or 10 or 20, etc, is not supported by the specification.

Additionally, all dependent claims on independent claims 47, 52, and 57 are rejected as being dependent upon said claims.

Claims 47, 52, 57, 61, 62 disclose a ‘preferences of the users stored in the respective user’s devices’. However, the specification does not disclose any preferences or profile stored on the user’s devices. For example, the Barnett patent 6,321,208, which has the same specification as this application, demonstrates with the citation (col 12, lines 25-50) how the user’s preferences are not stored on the user’s device. Rather, user preference information is determined and stored at a central location.

Additionally, the Applicant’s citations in the Amendment dated 4/5/04 attempting to show support for this feature do not demonstrate that this feature is supported by the specification.

Additionally, all dependent claims on independent claims 47, 52, and 57 are rejected as being dependent upon said claims.

Claim Rejections - 35 USC § 102

Claims 47-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Kohorn (5,227,874).

Claim 47, 52, 57, 61, 62: Von Kohorn discloses a method, apparatus, medium comprising:

Art Unit: 3622

determining a target audience of one or more users of devices coupled to a network, wherein the target audience is determined based on one or more preferences of the users stored in the respective users' devices, and

providing a coupon to the target audience determined, wherein each coupon may be used a predetermined number of times, wherein providing a coupon to the target audience further comprises:

determining a subset of users of the network based on a preference profile;
delivering one or more coupons to the subset of users' (col 2, lines 20-25; col 2, lines 4-14; col 104, line 65-col 105, line 31; col 105, line 65-col 106, line 10), and
monitoring redemption of the one or more coupons such that each coupon may be used a predetermined number of times (col 17, lines 10-31; col 20, lines 38-44; col 86, lines 10-25; col 87, lines 59-65).

Von Kohorn further discloses monitoring redemption of the one or more coupons to prevent fraud (col 17, lines 10-25; col 95, lines 19-41; col 16, lines 55-59).

Additionally, the Microsoft Press Computer Dictionary Third Edition defines 'personal computer' as,

"A computer designed for use by one person at a time. Personal computers do not need to share the processing, disk, and printer resources of another computer."

Von Kohorn discloses the utilization of a personal computer by the users (Fig. 26, item 800, item 804; col 75, lines 31-49; col 76, lines 20-33; col 14, lines 20-25).

Claim 48, 53, 58: Von Kohorn discloses the method of claim 47, wherein determining a target audience further comprises:

Art Unit: 3622

monitoring network usage by the users (col 105, line 65-col 106, line 10; Fig. 1);

determining a preference profile for respective users, wherein the preference profile is based on network usage by the respective users; and selecting a subset of users of the network based on the preference profile (col 104, line 65-col 105, line 31).

Claim 49, 54, 59: Von Kohorn discloses the method of claim 47, wherein determining a target audience further comprises:

determining a preference profile for respective users, wherein the preference profile is based on revealed preferences of the respective users; and

selecting a subset of users of the network based on the preference profile (col 104, line 65-col 105, line 31; col 105, line 65-col 106, line 10).

Claim 50, 55, 60: Von Kohorn discloses the method of claim 47, wherein monitoring redemption of the one or more coupons further comprises:

maintaining a coupon database that stores information related to coupons that have been distributed (col 2, lines 20-28); and

checking the coupon database to determine whether a particular coupon is valid (col 86, lines 10-25; col 87, lines 59-65; col 17, lines 10-31; col 20, lines 38-44).

Claim 51, 56: Von Kohorn discloses the method of claim 47, wherein monitoring redemption the one or more coupons further comprises serializing the coupons (col 2, lines 20-25) such that each coupon may be redeemed once (col 17, lines 10-31; col 20, lines 38-44; col 86, lines 10-25; col 87, lines 59-65).

(10) Response to Argument

Examiner notes that in Appellant's attempt to provoke an Interference, Appellant has copied the claims of US Patent 6,075,971 to Williams et al. The Appellant's copied claims from a different US Patent often do not find support in the Appellant's own Specification.

In response to the Appellant's Arguments concerning the 35 USC 112 Rejection and the feature "predetermined number of times", please see the above rejection.

Also, in regards to Appellant's statement that in the Interview of June 3, 2003 agreement was made as to support for this feature, please see the Interview Summary of June 3, 2003. The Interview Summary states, "It was determined that the Applicant had support for setting the predetermined number of times to one, but not for any number greater than one. The Examiner recommended the addition of a "wherein " clause at the end of the claim, specifying that the predetermined number of times was one." Note that the Appellant did not amend the claims to specify that the predetermined number of times was one. Additionally, regardless of what was stated in the Interview, upon further, detailed Examination and consultation with superiors, Examiner made the 35 USC 112 rejection that was deemed proper given the Appellant's claims and specification.

In regards the 35 USC 112 rejection and "preferences of respective users stored in the respective user's devices", please see the Rejection above.

Also, note that Fig. 2 does not demonstrate the storage of preferences. There is no statement of "preferences" or any derivative of "prefers" in the Specification. There is mention

Art Unit: 3622

of user targeting information and user profile information. Targeting and profile information is indicated as being stored at the central location after analysis is utilized to determine the profile and targeting information. User selection of coupons is stored on the user machine. However, user selection of coupon information is not the same as user preferences, profile, or adequate targeting information. The Barnett Specification does not indicate that user selection of coupon information is the same as user preferences. The user coupon selection information from the user machine is transmitted to the central location. User demographic information can be obtained from the user himself but is only indicated in the Specification as being stored at the central location. Then, the central location analyzes the user selection information and demographic information to determine profile or adequate targeting information. And, the profile, demographic, or adequate targeting information is stored at the central location, not at a user device. The below citations from the Specification support these statements.

Analysis is performed at a central location and analysis is necessary to determine profile or adequate targeting information:

“(8) Of particular value in the present invention is the distribution of user-specific data to the coupon distribution center 16, which collates such user information and performs marketing analysis via a marketing analysis means 17 in order to compile subsequent coupon packages targeted specifically at certain user categories. The coupon distribution center 16 utilizes the user-specific redemption data along with user-specific demographic data supplied by the online service provider 2 in order to compile subsequent coupon data download packages for use by consumers once again” (col 7, lines 45-55).

Fig. 6, which indicates “Demographic Data”, demonstrates a service provided by the online service provider and information stored at a central location not what is stored on the user device:

“FIG. 6 is a schematic block diagram illustrating the main functional areas serviced by the online service provider of the preferred embodiment system” (col 6, lines 12-16).

Demographic data is requested from the user and stored at a central location for further analysis. Demographic data is not indicated in the Specification as stored on the user device. Only coupon selection is indicated in the Specification as stored on the user device. And, analysis at the central location is needed to determine user profiles or adequate user targeting information:

“(37) Referring to FIG. 10, the generation of coupon data packages by the coupon distributor 16 will be explained. The information collected by the coupon distributor 16 from the online service provider 2 regarding the coupon data selected by the user, the coupon data printed by the user, and the requested demographic information is stored in a database 11. The database 11 also stores information from the coupon redemption center 13 regarding the coupons actually redeemed by the user. The database 11 further stores information regarding all coupons which are made available by the various coupon issuers 14 from which it will generate coupon data packages for subsequent downloading to users.

(38) The information stored in the database 11 is input to the marketing and targeting analysis means 17, which carries out the function of analyzing the aforementioned information in a manner known in the art to arrive at different coupon packages. That is, it may be determined by the analysis means 17 that users with dogs in their household (which is known

Art Unit: 3622

by the demographic responses) will get a certain package comprising dog food coupons. It may be further determined that users who select, print and redeem dog food coupons of Brand X will get coupons issued by Brand Y, or will get only low value coupons since they are already dog food coupon users, etc. That is, depending on the marketing and targeting criteria and objectives, the analysis means will generate coupon packages as desired.

(39) Thus, the analysis means generates a number of differing coupon data packages for transmittal to the online service provider 2. The analysis means also provides specific mapping information which will instruct the online service provider as to which user should be provided with which package(s). For example, user 1 may be mapped to coupon data packages 2 and 3; user no. 2 to packages 3 and 6, etc. This mapping function may be carried out by the coupon distributor and provided to the online service provider at regular intervals, e.g. once per week. Thus, the coupon selection, printing and redemption habits may be analyzed over a time period and used to determine the subsequent targeted packages (col 12, lines 25-62).

(3) The online service provider also stores in a demographic data file 42 user-specific data, including coupons selected data, coupons deleted data, coupons printed data and user demographics, as will be described below, for subsequent transmission to a coupon distributor 16. The coupon distributor 16 will utilize the user-specific data and coupon redemption data in compiling subsequent coupon packages targeted specifically at certain user categories (col 6, lines 51-65).

(9)... When the user desires to initially register for the electronic coupon distribution service, he selects the join service function button 62 which initiates a dialog with the online service provider 2 in order to request certain demographic data from the user which will be used

Art Unit: 3622

to target specific coupon data packages for subsequent downloading. The user has the option of providing the requested information if he so desires. In addition, an offline coupon management program is transmitted electronically to the user's computer 6 for subsequent coupon data requesting, downloading and processing" (col 7, line 61-col 8, line 5).

The Specification discloses collecting demographic information from the user but only discloses storing demographic information at a central location:

"(20) Prior to downloading the requested coupon data package to the computer 6, the demographic data file 42 provides certain demographic queries to the user in order to obtain valuable information for use in marketing analysis and subsequent coupon package generation. The users' responses to the queries are transmitted to the online service provider 2 and stored in the demographic data file 42 for subsequent processing (col 9, lines 45-54).

(26) A record is kept by the upload routine 32cc indicative of each coupon selected by the user and each coupon printed by the user. This record is sent to the demographic data file 42 in the online service provider 2, and is used for marketing analysis along with data regarding which coupons were actually redeemed, which information is obtained from the manufacturers' redemption agency or center (col 10, lines 50-57).

(28)... This information will thus be obtained by the coupon redemption center and provided to the coupon distributor 16 for demographic analysis and the like" (col 11, lines 5-10).

Also, note in the above citations that analysis at the central location is necessary to determine any profile or adequate targeting information for users. And, the profile or adequate targeting information is stored at the central location not the user's device.

Also, note that Barnett's claim 1 indicates only that the user profile is stored at a central location and not on any user device:

"Claim 1: ... ii) receiving and storing a user profile at the central location; and" (col 14, lines 20-25).

Therefore, the Appellant's Specification does not support the Appellant's stated claims.

The following is the response to arguments concerning the 35 USC 102 rejection utilizing Von Kohorn.

In response to applicant's argument that Von Kohorn is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, please note that the citations below demonstrate that the specification of the Von Kohorn reference explicitly discloses numerous features relevant to the Appellant's claims.

Therefore, Von Kohorn is analogous art to the Appellant's claimed invention.

On page 16 of the Appellant's Amendment dated 2/10/05, Appellant states, "These passages do not appear to disclose storing user preferences on a dispenser unit".

However, Von Kohorn discloses storing user preferences on a dispenser unit:

"(440) The respondent employs the keyboard to enter into a memory of the response unit the identifying numbers of those items for which there is an interest in a future purchase at

Art Unit: 3622

a sale or discounted price. From time to time over the ensuing days, weeks, or even months, the instructional signal transmits to the response unit an updated listing of the items of merchandise including data of items put on sale or on discount by the manufacturer or retailer. This effectively flags those items which are on sale or available at discount. The computer 804 (or a comparator 372 or 374 in the case of use of the response unit 210 of FIG. 8) compares the respondent's entries with the flagged items, and then indicates a match by a suitable indication such as by sounding the bell, and by leaving a message on the display 358 of the response unit. The respondent, by command entered at the keyboard, directs the printer to list the sale or discounted items. Alternatively, respondent enters on the keyboard items desired for purchase and, upon such items being put on sale, the printer of the respondent's response unit prints out coupons conveying a discount on the items without additional commands by respondent. Such discount coupons may be printed even during an absence of the respondent, and will be waiting for the respondent upon his or her return" (col 99, line 48-col 100, line 5).

Please notice the key sentence where Von Kohorn discloses storing user preferences on a dispenser unit:

"The respondent employs the keyboard to enter into a memory of the response unit the identifying numbers of those items for which there is an interest in a future purchase at a sale or discounted price" (col 99, lines 48-52).

Additionally, Von Kohorn discloses storing user coupon selection information on the user device and that the coupon selections represent user desires:

"(499) The coupons dispensed to each individual are either redeemed by said

Art Unit: 3622

individual or are turned over to the family head, the family shopper or other designated person.

The coupons requested, as compiled on the cumulative record, reflect as a minimum each person's desire to receive the selected item. Although some of the coupons, such as those dispensed to children, may not be redeemed once the family shopper has entered the store, valuable information as to each person's desires is collected by the promoters of these programs and can be followed by promotions targeted with rifleshoot precision" (col 105, line 65-col 106, line 10).

Von Kohorn further discloses tracking user preferences and storing the information on the user device:

"(341) The means provided at members' locations for displaying the latest product list and other information desired by sponsors permit sponsors or broadcasters to delete, substitute, add or modify information. Audience members are equipped with means for individually selecting from said product list a product they prefer and intend to purchase. Said selecting means may be separate, or may be associated with the means for entering a viewer's response to a task.

(342) The equipment provided at each remote location normally includes signal receiving means and presentation means for the program, task and product information; signal receiving means for response criteria; entering means for response and product selection; data storage means; comparing and scoring means; and means for generating and dispensing a prize token.

(343) The above mentioned means at contestants' locations may conveniently be combined into a response unit" (col 78, lines 21-40).

Art Unit: 3622

Von Kohorn discloses storing user product selection on response unit:

“(16) The response units at individual shoppers' locations have means for dispensing individual coupons following a response and for compiling a cumulative record of products for which the shopper has requested or selected discount coupons. Such a cumulative record can take the form of a tape intermittently printed as coupons are requested. Whereas the coupons are dispensed individually when printed as described in connection with the drawings, the tape matrix having the cumulative coupon data printed thereon is temporarily retained in the response unit in the form of a tape” (col 3, lines 3-14).

Von Kohorn discloses tracking user interest and that the user interest answers or information can be stored on the user device:

“(317) With reference to FIG. 25, and in accordance with a further aspect of the invention, it is desirable to provide a respondent with the capacity to select an area of interest in the program transmitted from a central station to a remote receiving station. This area of interest may pertain to answering questions relating to specific parts of the subject matter presented in the transmitted program, or to the nature of awards which may be provided to successful contestants. By way of example in the nature of the questions requiring a response, the questions may be directed to historical aspects of the material being presented on the program, or may be directed to the manner of construction of items presented in the program, or to the cost of the items. For example, in a program devoted to the merchant marine in which both new and old forms of ships are presented, questions may be of an historical nature directed to when and where certain forms of ships were employed. Or the questions may be directed to the manner of construction of ships in both ancient times and the present time.

Art Unit: 3622

Questions might also be directed to the cost of buying a ship and the cost of maintaining a ship. During the presentation of the ship program advertisers may display, by way of example, merchandise such as clothing to be worn on cruises and on other vacations. Coupons awarded to successful contestants may specify a discount towards specific styles of the clothing or, alternatively may provide a discount to certain marine products shown in the program or, by way of further example, toward theater tickets (col 73, line 50-col 74, line 12).

(320) To practice the invention, the response unit 210 is provided with the capacity to store the requisite information for a plurality of interest areas to enable the respondent to choose an area of interest. In the operation of a response unit 210, the respondent first selects the area of interest, after which the response unit 210 functions in the same manner as has been described with reference to FIG. 8. The selection is accomplished by entering at the keyboard 356 a letter, or other symbol, designating the desired area of interest. The entered letter, as shown in FIG. 25, serves to address the appropriate regions in each of the memories 330, 332, and 334, so that the response unit 210 can then function in accordance with the coupon message, the response criteria and the scoring criteria of the selected area of interest. The response unit 210 compares responses of the respondent with the acceptable answers stored in the memory 332 to identify an acceptable response, scores and times responses in accordance with data stored in the memory 334, and outputs a coupon with redemption and advertising data thereon in accordance with information stored in the memory 330. If desired, the response unit 210 may be provided with a dedicated selector device, such as a selector switch 802, shown in the simplified view of the keyboard in FIG. 25, for addressing the memories (col 74, line 55-col 75, line 14).

Art Unit: 3622

(326) The procedure advances to block 816 wherein a comparison is made between the respondents answer with acceptable responses stored in the response memory 332. This is followed by an identification of correct and partially correct answers of the respondent. At block 818, the computer performs the scoring function giving full credit and -partial credit in accordance with the scoring instructions stored in the memory 334. This is accomplished by using the scoring criteria including difficulty level, timing of response, and key word or full text credit where applicable in accordance with the nature of the response to the question. Then at block 820, the computer tallies previous scores from previous answers in a set of answers, if applicable to the questions at hand, this function having been done by the accumulator 386 in the response unit 210 of FIG. 8 (col 76, line 32-48).

(328) The teachings presented in the preceding embodiments for the systems and methods of the invention are applicable generally to the selection aspect of the invention providing the product choice and choice of area of interest. The following discussion amplifies the description of the practice of the selection aspect of the invention to provide a full appreciation thereof" (col 76, line 60-66).

Also, note that Fig. 25 discloses the storing of user answers or interest information on the user device (Fig. 25).

Therefore, Von Kohorn discloses storing user preferences on a dispenser unit.

On page 17 Appellant states, "These passage also fail to disclose determining a target audience based on the stored preferences, as well as determining a subset of users based on a preference profile."

Art Unit: 3622

However, Von Kohorn discloses targeting an audience based on preferences as well as determining a subset of users based on preferences:

“(499)...Although some of the coupons, such as those dispensed to children, may not be redeemed once the family shopper has entered the store, valuable information as to each person's desires is collected by the promoters of these programs and can be followed by promotions targeted with rifleshoot precision (col 105, line 65-col 106, line 10);

(344) The methods described lend themselves well to narrow-casting. The term narrowcasting is defined as the ability to transmit product or service information to a select group of members of a broadcast audience. The present method described, which dispenses prizes to individuals intending to purchase a specified product or products, narrowcasts product information because only viewers with a discount incentive will use the product information. Conversely, product information will use the product information. Conversely, product information can be utilized only by viewers who have earned a prize through skill and have qualified for a discount applicable to a selected product (col 78, lines 40-52);

(365) In the operation of the system described, a retailer prepares a listing of products selected for sales promotion in the target market. The products selected may be designated by name, but often are numbered and may be divided into categories. The products listings displayed at members, locations are grouped accordingly. If the product listing of a sponsor is lengthy, it can be displayed to members in successive segments or groupings. This is achieved by the use of known display and scrolling devices. Members' display devices may also be adapted to display and re-display successive listings of products or lists of numbered products in different categories as and when desired and such additional lists may be called up in

Art Unit: 3622

sequence by a member of the broadcast audience until a desired product category and/or a specific product is displayed which a member intends to buy (col 81, lines 5-23);

(4) Also, heretofore, there has been no technique available to market researchers to quantitatively measure on an individual or on a household basis the effect of variables affecting promotions, such as frequency and timing of stimuli, shopping inducements and their effect on different population segments (col 1, lines 36-44);

(36) The term "user" of a recording medium as used herein includes viewers, listeners, and buyers of a recording medium such as video tapes, and the target audience intended to be reached by the commercial message (col 10, lines 58-64);

(83) Thus, for instance, home participants may be asked to identify the soap opera character who earlier appeared in the program. Or home viewers of a sports program may be asked to name a player who just scored. These implementations of the system and accompanying awards to a correct answer are intended to increase the television and radio audience. Viewers of a soap opera or persons listening to a radio sports broadcast, constitute a highly targeted audience and as a result of the lower per-household cost, advertisers will be able to award more valuable coupons and prizes to successful respondents. Participants who have given an acceptable answer can be rewarded with a coupon of defined value to be redeemed in cash, or to be applied to the price of a specified product or to the price of any product in a specified retail outlet. Other forms of rewards, whether of commercial or symbolic value, may be devised (col 19, lines 5-21);

(100) It should be understood that individual questions may vary with respect

Art Unit: 3622

to the nature of the task, the type and particulars of acceptable responses, the difficulty level, the period of time allowed for responding, the kind and range of prizes, the weighting of responses, the composition of the target audience and other considerations (col 22, lines 27-35);

(486) The present method has other important applications in the field of statistical analysis, one being the effect of different stimuli on groups of persons having the same characteristics and the other being the effect of an unchanged stimulus on different groups of persons (col 103, lines 35-41);

(494)... In this manner, the promoter of products can focus said promotional activities on targeted audiences and can avoid the dispensing of coupons carrying value consideration to individuals believed not to have a need for said products (col 105, line 17-25);

(495) It will be obvious that, using the above system and methods, a sponsor can ensure maximum efficiency of promotional efforts by adapting the dispensing of tokens such as discount coupons and free sample coupons to those shopper groups, including demographic, psychographic and other groups, most responsive to the promoter's sales strategy" (col 105, lines 24-30).

Therefore, Von Kohorn discloses determining a target audience based on the stored preferences, as well as determining a subset of users based on a preference profile

On page 17 Appellant states, "Furthermore, these passages appear to be silent with regard to enabling a coupon to be used a predetermined number of times. . .checking a coupon database to determine whether a particular coupon is valid. . .serializing the coupons such that each coupon may be redeemed only once".

However, Von Kohorn discloses monitoring redemption of the one or more coupons such that each coupon may be used a predetermined number of times where the predetermined number of times is one, checking a coupon database, and serializing coupons:

“(72) Each time a winning coupon is presented at a redemption center, the winner of such a prize is required to present the verification card. The numbers on the winning coupon and on the card are compared to verify their matching. When the coupon is redeemed, the corresponding space or box in the verification card are canceled or invalidated by any one of many known methods, such as marking, punching, tearing off, stamping and the like. When 100 coupons have been presented, both the paper tape and the verification card have been used up.

(73) By the method described, forging of coupons alone is rendered useless. Frequent changing of the properties of tapes and cards by the operator of the system and the multiplication of obstacles faced by a would-be forger are so great as to make forging practically impossible.

(74) A similar system can be employed when using magnetized cards in lieu of paper coupons. The magnetized card of a winning contestant is provided with identifying indicia and codes, the verification card carrying matching markings and codes. The redemption procedures are similar (col 17, lines 10-31);

(89)...The machine readable card 48, or a one-time coupon which may be outputted by the dispenser 46, may be presented or redeemed for prizes by successful participants at a local store or other business establishment cooperating with the broadcaster (col 20, lines 38-44);

Art Unit: 3622

(391) It may also be printed on the coupon contained in the free-standing insert. In another version of the method, the preprinted coupons are provided with an identification, such as an alphanumeric or other code. Coupons dispensed to a prize-winning shopper by his or her response unit also are provided with an alphanumeric or other code. A shopper presenting a preprinted coupon and a prize-winning coupon having matching or correlated codes is entitled to an additional prize, which may be a sweepstake prize. The value of the additional prize is disclosed to such a shopper only at the sales outlet. All of the methods described will raise the redemption rates of coupons (col 86, lines 10-25).

(372) Prize coupons can be redeemed at a sales outlet specified on said coupon; other provisions may appear on coupons, such as dates and terms of redemption. A discount or other prize specified on a coupon may be made applicable to a group or mixture of products which includes the product specifically selected by the contestant, as well as other products to be promoted. Coupons may be redeemed in person, by mail, or by telephone using the validation code on the coupons to verify its authenticity" (col 82, lines 34-44).

Notice that when "Coupons may be redeemed in person, by mail, or by telephone using the validation code on the coupons to verify its authenticity" that the redemption center has a matching validation code recorded in order to verify the coupons authenticity.

Therefore, Von Kohorn discloses enabling a coupon to be used a predetermined number of times. . .checking a coupon database to determine whether a particular coupon is valid. .
.serializing the coupons such that each coupon may be redeemed only once

Art Unit: 3622

In response to Appellant's Argument on page 18 that an Interference should be declared, as shown above the Appellant's stated claims do not show support in the Appellant's Specification so, therefore, an Interference was not declared.

Application/Control Number: 09/879,823

Art Unit: 3622

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

AO

March 15, 2005

Conferees:

Eric Stamber *EJS*

James Myhre *JM*

JW Myhre
JAMES W. MYHRE
PRIMARY EXAMINER

PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102